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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NORTHPEAK WIRELESS, LLC,
Plaintiff,
vs.
3COM CORPORATION, et al.,
Defendants.

Case No. 3:09-cv-00602-CRB

JOINT STATUS REPORT

1 NOW COME Plaintiff NorthPeak Wireless, LLC, Defendants, and Intervenor Intel
2 Corporation and, pursuant to the terms of the parties' Stipulation to Stay the Case Pending
3 Reexamination of the Patents-in-Suit, hereby provide the Court with the following status update.

4 **I. STATUS OF THE CASE**

5 Pursuant to the Court's Order dated August 28, 2009, this case has been stayed pending
6 ex parte reexamination of the patents at issue.

7 **II. STATUS OF THE REEXAMINATION PROCEEDINGS**

8 **U.S. Patent No. 4,977,577 (the "'577 Patent'")**

9 Intel originally filed an ex parte reexamination request for the '577 Patent on July 28,
10 2009, and filed a corrected request on September 18, 2009. On November 9, 2009, the U.S.
11 Patent and Trademark Office (the "PTO") granted the request for reexamination. The PTO
12 issued an Office Action regarding the '577 Patent, and NorthPeak filed a Response.

13 On June 28, 2011, the Patent Office issued a Reexamination Certificate, which confirms
14 the patentability of all claims under reexamination (claims 2, 9, 12-14). A copy of the
15 Reexamination Certificate is attached as Exhibit A to Docket Number 460.

16 On August 30, 2013, Intel initiated a second ex parte reexamination request for the '577
17 Patent. On October 9, 2013, the PTO granted the request for reexamination. The PTO issued a
18 non-final Office Action on December 26, 2013. NorthPeak filed its response on February 25,
19 2014.

20 On May 20, 2014, the Patent Office issued a Reexamination Certificate, which confirms
21 the patentability of all claims under reexamination (claims 2, 9, 12-14). A copy of the
22 Reexamination Certificate is attached hereto as Exhibit A.

23 **U.S. Patent No. 5,987,058 (the "'058 Patent'")**

24 Intel filed an ex parte reexamination request for the '058 Patent on September 4, 2009.
25 On October 23, 2009, the PTO granted the request for reexamination. The PTO issued an Office
26 Action regarding the '058 Patent, and NorthPeak filed a Response.

1 The Examiner found Claims 35 and 86 of the '058 Patent unpatentable. On August 22,
 2 2011, NorthPeak filed a Notice of Appeal and Appeal Brief before the Board of Patent Appeals
 3 and Interferences, appealing the Examiner's decision regarding the reexamination of the '058
 4 patent. On October 31, 2013, NorthPeak withdrew its appeal. The Appellate Court closed the
 5 matter on May 23, 2014. The PTO issued an Ex Parte Reexamination Certificate on June 25,
 6 2014. A copy of the Reexamination Certificate is attached hereto as Exhibit B.

7 **III. FURTHER PROCEEDINGS**

8 The Parties respectfully request 60 days to develop and file a Joint Case Management
 9 Statement setting forth a new proposed schedule for the remainder of this litigation in accordance
 10 with Civil Local Rule 16-9, to take into account the results of the reexamination proceedings and
 11 the current posture of the case. A proposed order is attached hereto.

12 DATED: July 24, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2014July 24, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

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